

1 BILL NO. G-84-08-07

2 GENERAL ORDINANCE NO. G- 28-84

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a street thereof.

6 WHEREAS, a petition to vacate a public street within the City
7 of Fort Wayne (as more specifically described below) was duly filed with the
8 City Planning Commission; and,

9 WHEREAS, said Commission duly held a public hearing thereon;
10 and

11 WHEREAS, said Commission has duly forwarded its recommendation
12 to this body approving said petition, all in accordance with I.C. 36-7-4-512(2)
13 and this body having held a public hearing on said vacation as provided in
14 I.C. 36-7-3-12; and

15 WHEREAS, this body concurs in the recommendation of the City
16 Planning Commission.

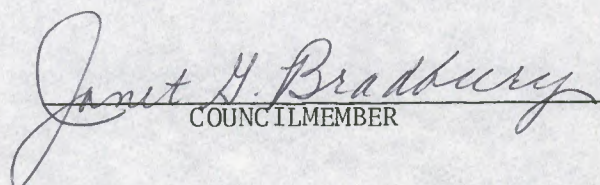
17 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
18 CITY OF FORT WAYNE, INDIANA:

19 SECTION 1. That the petition filed herein to vacate a public
20 street within the City of Fort Wayne, more specifically described as
21 follows, to-wit:

22 Sheffield Drive between Upper Huntington Road on the
23 north and Covington Road on the south, as well as that
24 triangular part of Upper Huntington Road bounded on the
25 south by the north line of Lots No. 230 and 231 in Club
Terrace Addition, on the east by the west line of
Sheffield Drive and on the northwest by the southwest
right-of-way line of Upper Huntington Road along Lots
225 through 229 Terrace Addition as projected

26 and which vacating amends the Thoroughfare Plan of the City Comprehensive
27 ("Master") Plan and is hereby approved in all respects.

28 SECTION 2. That this Ordinance shall be in full force and
29 effect from and after its passage, any and all necessary approval by the
30 Mayor.

31 
32 COUNCILMEMBER

1 Page two

2
3 APPROVED AS TO FORM AND LEGALITY:

4 
5 BRUCE O. BOXBERGER, CITY ATTORNEY
6

7 ** Public hearing to be held on _____, the _____
8 day of _____, 1984, in the Council Chambers.
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11 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on , the day of , 19 , at o'clock .M.,E.

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 10-9-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. 2-28-84
on the 9th day of October, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebock
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1984, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of October, 1984, at the hour of 2:00 o'clock P.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

STATE OF INDIANA)
COUNTY OF ALLEN)

) SS:

THE CITY PLAN COMMISSION
OF THE CITY OF FORT WAYNE

VACATION PETITION NO. _____

The Undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public street and portion of street, within the City of Fort Wayne, Indiana, and hereby described as follows:

Sheffield Drive between Upper Huntington Road on the north and Covington Road on the South, as well as that triangular part of Upper Huntington Road bounded on the south by the north line of Lots No. 230 and 231 in Club Terrace Addition, on the east by the west line of Sheffield Drive and on the northwest by the southwest right of way line of Upper Huntington Road along Lots 225 through 229 Terrace Addition as projected.

In support thereof, your petitioner would represent as follows:

1. Petitioners are John W. Carlile, owner of Lots 232 and 233 in Terrace Addition which bounds Sheffield Drive on the north (except the part bounded by 250) and Dinner Bell, Inc., owner of Lots 225 through 231 in Terrace Addition, both by Robert W. Haller, attorney, as their agent. Kim Riley, owner of Lot 250 Terrace Addition, does not join this petition.

2. Sheffield Drive presently serves only the three owners involved. Easements for ingress and egress for adjoining and any utilities needing them owners will be reserved in the vacation proceedings.

3. Sheffield Drive is presently unopened and unimproved.

4. Only the three owners involved are interested in the proposed vacation.

5. Sheffield Drive is neither necessary nor advantageous to the growth of the City of Fort Wayne. In fact, petitioners understand that the City of Fort Wayne does not want Sheffield Drive opened to the public due to possible traffic complications. Insofar as its future use for ingress and egress easements the adjacent owners will be responsible for such maintenance as is necessary.

6. The best interests of the City of Fort Wayne, Indiana, and its citizens would be served by the proposed vacation.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described streets be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 20th day of July, 1984.

SNOUFFER, HALLER & COLVIN
ATTORNEYS FOR PETITIONER
2000 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802
TELEPHONE: (219) 424-2000

BY:


ROBERT W. HALLER

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, JOHN W. CARLILE, and DINNER BELL, INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Sheffield Drive between Upper Huntington Road on the north and Covington Road on the south, as well as that triangular part of Upper Huntington Road bounded on the south by the north line of Lots No. 230 and 231 in Club Terrace Addition, on the east by the west line of Sheffield Drive and on the northwest by the southwest right-of-way line of Upper Huntington Road along Lots 225 through 229 Terrace Addition as projected,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1984, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street herebefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said street in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 24, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF September 1984

F O R T W A Y N E C I T Y P L A N C O M M I S S I O N

Alfred D. Smart

Melvin O. Smith
Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

Nº 10743

FT. WAYNE, IND. July 20 1984

RECEIVED FROM Shuffie, Helen, Carol

THE SUM OF One Hundred Dollars

ON ACCOUNT OF Vacation of Sheffield Drive

\$ 100.00

100 DOLLARS

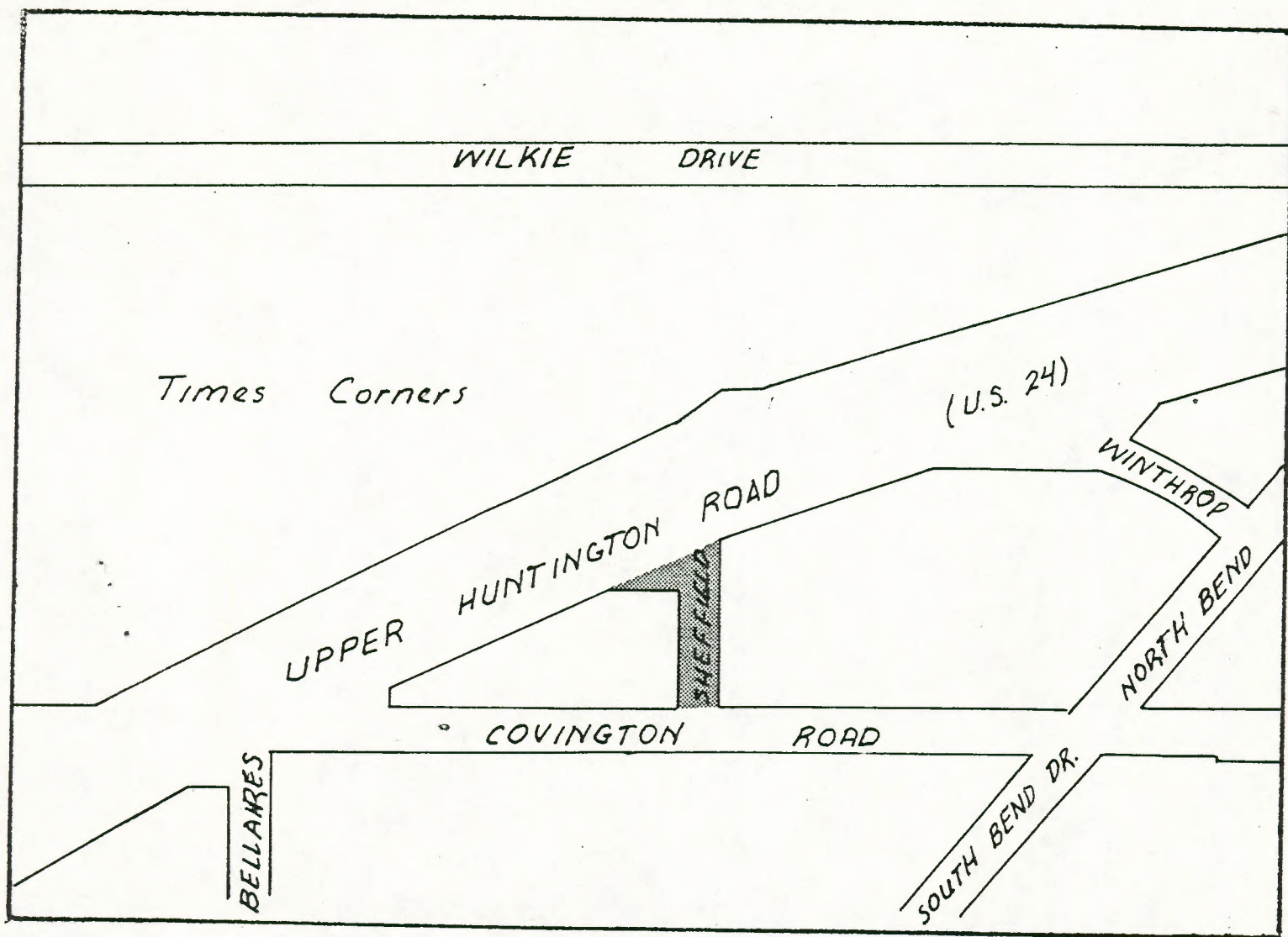
Gay Butler

AUTHORIZED SIGNATURE

A PETITION TO VACATE THE DESCRIBED PORTION
OF STREET

MAP NO. E-3

COUNCILMANIC DISTRICT NO. 4



Zoning:

Land Use:

6-84-08-07

Scale: 1" = 200'

Date: 7-24-84



BILL NO. G-84-08-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a street thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

JAMES S. STIER

John

CONCURRED IN 10-9-84
SANDRA E. KENNEDY, CITY CLERK

Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

None

REASON

DETAILS

Specific Location and/or Address

Sheffield Drive between Upper Huntington
and Covington Road

Reason for Project

Utilize vacated street for parking.

Discussion (Including relationship to other Council actions)

Don Steininger, attorney appeared for the petitioners. Mr. Steininger stated that the owners of Dinner Bell restaurant which is presently closed, wish to have the street vacated in order to utilize it for additional parking. Mr. Steininger stated one of the reasons for the restaurant not being successful has been the lack of adequate parking. He stated the only people affected by the vacation besides the adjacent property owners is the Shell Oil Company. He stated that Shell is not opposed to the vacation, as long as they have access along the property. He stated it is an unimproved street presently and that they intend to install curbs at both ends and landscape.

Frank Webster representing Shell Oil stated that they were not opposed as long as they retain a 20 foot easement for their access, which has been agreed.

Mr. Steininger stated that the 20 feet easement is what is being used as a street, the rest is being used for parking already since it is unimproved.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s) John Carlile &
Dinner Bell, Inc.
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)

 CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Mel Smith asked how many spaces vacating the street would afford the restaurant.

John Irmscher represent the lessee of the property stated they presently have 57 spaces and with the vacation it will increase to 91.

Mr. Robert Curts, 5724 Covington Road stated he was not opposed to vacation but wondered if he would still be able to park there on occasion.

Mr. Steininger stated if vacated it would be private property and felt he would have to speak to the owners, but felt if it did not adversely affect the owners property they might be agreeable.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

September 24, 1984 - Business Session

Duane Embury read the Site Committee Report:

It is the recommendation of the Site Committee that the ordinance be returned to the Common Council with a DO PASS recommendation and appropriate easements are to be retained for existing utilities.

Motion to approve carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 20 July 1984

Projected Completion or Occupancy

Date 25 September 1984

Fact Sheet Prepared by

Patricia Biancaniello

Date

25 September 1984

Reviewed by

Wsch

Date

28 Sept. 1984

Reference or Case Number

ORIGINAL

DIGEST SHEET

ORIGINAL

9-84-08-07

TITLE OF ORDINANCE

Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

Sheffield Drive between Upper Huntington Road and Covington Road.

ADJACENT PROPERTY OWNERS: John W. Carlile

Dinner Bell, Inc.

Kim Riley

COUNCILMANIC DISTRICT NO. 4

Sq. Ft. 12,450 - .28 Acres

EFFECT OF PASSAGE

Property is now public right-of-way. Property will be closed
to public and revert to adjacent property owners.

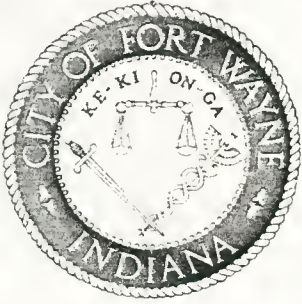
EFFECT OF NON-PASSAGE

Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Natka notify attorney only: Don Steininger / 1812 Fort Wayne National Bank Building
City 02



The City of Fort Wayne

October 1, 1984

Don Steininger
1812 Fort Wayne National Bank Building
Fort Wayne, IN 46802

Dear Mr. Steininger:

NOTICE OF PUBLIC HEARING ON BILL NO. G-84-08-07

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, October 9, 1984, at 7:15 P.M. (EST) in the Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Sheffield Drive between Upper Huntington Road on the north and Covington Road on the south, as well as that triangular part of Upper Huntington Road bounded on the south by the north line of Lot No. 230 and 231 in Club Terrace Addition on the east by the west line of Sheffield Drive and on the northwest by the southwest right-of-way line of Upper Huntington Road along Lots 225 through 229 Terrace Addition as projected.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely,

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

September 26, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of September 29, 1984, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN.

Public Hearing
Sheffield Drive between Upper
Huntington Road

Please send us 4 copies of the above of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, October 9, 1984, at 7:15 P.M. (EST) in Room 128 Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Sheffield Drive between Upper Huntington Road on the north and Covington Road on the south, as well as that triangular part of Upper Huntington Road bounded on the south by the north line of Lot No. 230 and 231 in Club Terrace Addition, on the east by the west line of Sheffield Drive and on the northwest by the southwest right-of-way line of Upper Huntington Road along Lots 225 through 229 Terrace Addition as projected.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, August 20, 1984 at 7:00 P.M. in Room #126, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on a proposed street vacation.

Sheffield Drive between Upper Huntington Road on the north and Covington Road on the south, as well as that triangular part of Upper Huntington Road bounded on the south by the north line of Lots No. 230 and 231 in Club Terrace Addition, on the east by the west line of Sheffield Drive and on the northwest by the southwest right-of-way line of Upper Huntington Road along Lots 225 through 229 Terrace Addition as projected.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines	1
Body	number of lines	18
Tail	number of lines	3
Total number of lines in notice		22

COMPUTATION OF CHARGES

22	lines,	1	columns wide equals	22	equivalent lines at	.300¢	\$ 6.60
		cents per line					
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two)				2 extra	1.00		
TOTAL AMOUNT OF CLAIM							\$ 7.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type	6	point
Number of insertions	Size of quad upon which type is cast	6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose
Title CLERK

Date Sept. 29, 19 84

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

9/29/84

Subscribed and sworn to me before this 29th day of September 19 84

Anne M. Perkins Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk